

FW: Open questions about interim ag reservoirs ordinance

Jocelyn Brennan

Thu 7/14/2016 11:17 AM

To: BOS Secretary <bos_secretary@co.slo.ca.us>;

Cc: cr_board_clerk Clerk Recorder <cr_board_clerk@co.slo.ca.us>;

1 attachment (269 KB)

Questions interim ag pond ordinance.pdf;

~ Jocelyn Brennan

Legislative Assistant District 4

San Luis Obispo County Supervisor Lynn Compton

San Luis Obispo CA 93408

[Http://www.slocounty.ca.gov/BOS/District-4.htm](http://www.slocounty.ca.gov/BOS/District-4.htm)

[HTTPS://www.facebook.com/Lynn-Compton-4th-district-supervisor-239759839515172/?ref=aymt_homepage_panel](https://www.facebook.com/Lynn-Compton-4th-district-supervisor-239759839515172/?ref=aymt_homepage_panel)

From: Don Waller <dkwaller@impulse.net>

Date: Thursday, Jul 14, 2016, 11:16 AM

To: Frank Mecham <fmecham@co.slo.ca.us>

Cc: Vicki Shelby <vshelby@co.slo.ca.us>, Jocelyn Brennan <jbrennan@co.slo.ca.us>, Jennifer Caffee <jcaffee@co.slo.ca.us>, info_slofarmbureau.org <info@slofarmbureau.org>, Art Trinidad <atrinidade@co.slo.ca.us>

Subject: Open questions about interim ag reservoirs ordinance

I recently obtained a copy of the draft of the proposed interim ordinance on agricultural reservoirs and ponds and reviewed its provisions. That review prompted a number of rather essential questions and for which suitable answers are not readily apparent. My questions are presented in the 2-page PDF file attachment.

Without understandable and suitable answers to these questions I believe adoption of the ordinance draft at this time would be very unwise. I believe the staff of the Planning and Building Department should be provided additional time and resources to produce a more suitable ordinance draft.

Item No. 1 & 2
Meeting Date: July 15, 2016
Presented by: Donald Waller
Rec'd prior to meeting & posted to web on: July 14, 2016

Donald Waller
Templeton, CA

QUESTIONS ON PROVISIONS IN DRAFT INTERIM AGRICULTURAL RESERVOIRS ORDINANCE

After having had the opportunity to review a copy of the July 2016 draft of an interim San Luis Obispo County ordinance to regulate construction and use of agricultural ponds and reservoirs some important questions arise. These questions should be addressed and satisfactory answers provided before this draft ordinance is accepted and voted into law. For your benefit a list of the questions that came to my mind are provided below. [Donald Waller, Templeton, CA]

Section 1. Findings and Declarations

B. How is it that construction and existence of agricultural ponds and reservoirs potentially affects ground water supplies adversely? Such structures only hold water that is brought to the surface by one means or another. Is it not the rate and duration of pumping from wells at whatever depths that determines local ground water supplies?

C. Are there any reliable measurements or analyses that describes where levels of ground water have dropped and where there has been minimal change? Would not a better statement be "For over a decade and throughout the county there have been instances of declines in ground water levels. The current exceptional drought exacerbates instances and severity of decline".

G. How was it arrived at that a 45 day effectiveness for this interim ordinance is sufficient? Can the Department of Planning draft a permanent replacement ordinance that will fully address concerns for excessive withdrawal of ground water? Does the Department have sufficient resources for that task?

Section 5. Exemptions

A. What is an agricultural "basin"? How would one be recognized?

A 2. Can a parcel have more than one reservoir that is less than one acre-foot capacity? If so is there a limit? May such exempt reservoirs be located anywhere on the parcel? How would this be arrived at?

Section 6. Permitting

A 1&2. The same questions for allowed numbers of and locations of exempt reservoirs less than 1 acre-foot capacity apply equally to projects with larger reservoirs. How many and where can be allowed?

Why in evaluating suitability of an application for a permit to construct agricultural reservoirs and ponds would not the main concern be source and amount of water to be stored and the efficiency of storing it this way? Why would size of the individual reservoirs be the dominant concern?

D. In order for any applications for reservoir construction and use permits to be prepared as expertly and thorough as possible could the Planning Department produce detailed instructions for preparers that assure meeting all four of the requirements for Application Content?

D ii. What constitutes a property's historic use of water? Does this include rainfall as well as ground water? Why or why not? How far back in years or previous owners is necessary to determine historic use?

QUESTIONS ON PROVISIONS IN DRAFT INTERIM AGRICULTURAL RESERVOIRS ORDINANCE

D iii. How detailed and thorough should the required estimated evaporative water loss be? Are there any guidelines for what would be acceptable amount of evaporative water loss and what would be considered excessive, and what would be desired target values? Why would not percolation losses also be of concern?

D iv. In creating the required well interference and draw-down analysis of ground water supply why is it to be done only for make up water to compensate for evaporative loss? Why would there not be such analyses required when water is first pumped from a well? Should not the presence of and proximity of wells on neighboring properties be a necessary consideration in such draw-down analyses?

F. Must a qualified hydrogeologist who would provide a peer review of water supply impacts have a State of California issued license in that field? What rights does the public have for review of a permit application; particularly just before issuance of a permit?

It seems that the overall purpose or goal of this proposed ordinance is to preclude wanton degradation of ground water supplies throughout San Luis Obispo County. But it is at best an illogical approach to accomplish that by regulating open water reservoirs that could only hold excessive amounts of ground water withdrawal by pumping from wells. If degradation of ground water is the goal then that should be addressed by rules and regulation of installation of wells and pumping from those wells. On this basis I request that this draft interim ordinance not be approved in its current form.

Donald Waller
Templeton, CA

FW: Open questions about interim ag reservoirs ordinance

Vicki Shelby

Thu 7/14/2016 11:36 AM

To: cr_board_clerk Clerk Recorder <cr_board_clerk@co.slo.ca.us>;

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Vicki M. (Shelby) Fogleman
Legislative Assistant for
First District Supervisor Frank R. Mecham

[San Luis Obispo CA 93408](#)

email: vshelby@co.slo.ca.us

"Thinking a smile all the time will keep your face youthful" - Frank G. Burgess

"Wrinkles should merely indicate where smiles have been" - Mark Twain

-----Original Message-----

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Templeton, CA

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